

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEN SEVENTY ONE HOME CORP. and MORTON G. YUTER, : Docket No.: 07 CV 11211
(DLC)

Plaintiffs,

-against-

NOTICE OF MOTION

LIBERTY MUTUAL FIRE INSURANCE COMPANY,
JOSH NEUSTEIN, LEONARD W. HUTCHINGS, and
JUDY HUTCHINGS,

Defendants.

LIBERTY MUTUAL FIRE INSURANCE COMPANY, :

Third-Party Plaintiff, :

-against-

GREENWICH INSURANCE COMPANY, :

Third-Party Defendant. :

PLEASE TAKE NOTICE, that upon the annexed Declaration of Glenn J. Fuerth, dated March 17, 2008, the accompanying exhibits and Memorandum of Law, and upon all the pleadings and proceedings heretofore had herein, the Third-Party Defendant, Greenwich Insurance Company, by its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, will move this Court before the Honorable Denise L. Cote at the United States District Court, Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be set by the Court so that counsel may be heard for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Third-Party Plaintiff, Liberty Mutual Fire Insurance Company's, Third-Party Complaint on the ground that the Third-Party Complaint fails to state a claim for which relief can be granted, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Rule 6.1, opposing affidavit and answering memoranda, if any, shall be served within ten business days after service of these moving papers and reply affidavits and reply memoranda, if any, shall be served within five business days after service of the answering papers.

Dated: New York, New York
March 17, 2008

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:


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